

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
HELENA DIVISION

RANDALL K. BACHMAN,

Petitioner,

vs.

LEROY KIRKEGARD; ATTORNEY
GENERAL OF THE STATE OF
MONTANA,

Respondents.

CV 14-39-H-DLC

ORDER

FILED

SEP 22 2014

Clerk, U.S. District Court
District Of Montana
Missoula

United States Magistrate Judge R. Keith Strong entered his Findings and Recommendation on June 25, 2014, recommending that Petitioner Bachman's habeas petition be dismissed because Petitioner has been afforded the procedural protections to which his liberty interest in parole entitle him and because the Montana Board of Pardons and Parole is not required to release him. Petitioner failed to timely object to the Findings and Recommendation, and so waived the right to *de novo* review of the record. 28 U.S.C. § 636(b)(1). The Court will therefore review the record for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). The Court adopts Judge Strong's findings and recommendation in full.

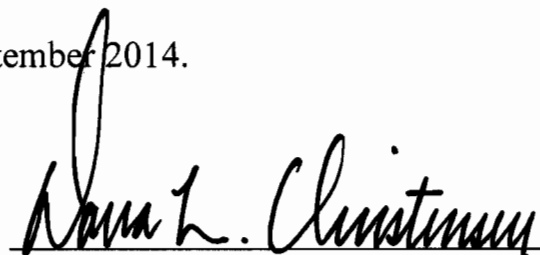
Petitioner is a state prisoner proceeding pro se. Judge Strong correctly determined that neither state law nor the Federal Constitution entitle Petitioner the right to be found suitable for release on parole. Judge Strong also correctly found that the Montana Board of Pardons and Parole has afforded Petitioner the procedural protections to which his liberty interest in parole entitle him. *Swarthout v. Cooke*, 562 U.S. 216 (2011). There is no clear error in Judge Strong's recommendation that Petitioner's habeas petition should be denied.

Judge Strong also correctly found that a certificate of appealability should be denied because Petitioner makes no showing that he was deprived of a constitutional right. This is not a close question. *Miller-El v. Cockrell*, 537 U.S. 322, 327 (2003).

IT IS ORDERED that Judge Strong's Findings and Recommendation (Doc. 6) are ADOPTED IN FULL.

The Petition (Doc. 1) is DISMISSED. The Clerk of Court shall enter judgment in favor Respondents and against Petitioner. This case is CLOSED.

DATED this 22nd day of September 2014.



Dana L. Christensen, Chief Judge
United States District Court